

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM STEPHENSON,

Plaintiff,

v.

BRANDON PRICE, et al.,

Defendants.

Case No. 1:21-cv-01625-NONE-EPG (PC)

ORDER DIRECTING THE CLERK OF
COURT TO ASSIGN A DISTRICT JUDGE
AND CLOSE THE CASE

(ECF No. 9)

On December 15, 2021, Plaintiff filed a notice voluntarily dismissing this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), “with the understanding that the dismissal of this case will be *without* prejudice.” (ECF No. 9, p. 1) (citations omitted). Therefore, this action has been terminated.¹ Fed. R. Civ. P. 41(a)(1)(A)(i); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Accordingly, the Clerk of Court is DIRECTED to assign a district judge to this case for the purpose of closing the case and then to CLOSE THIS CASE.

IT IS SO ORDERED.

Dated: **December 16, 2021**

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

¹ The Court notes that the dismissal is automatically without prejudice, unless Plaintiff previously dismissed a federal or state court action that is based on, or includes, the same claims at issue in the present case. *See* Fed. R. Civ. P. 41(a)(1)(B) (“Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.”). Thus, although Plaintiff’s case is voluntarily dismissed, it is unclear, and the Court does not decide, whether the voluntary dismissal is with or without prejudice.